

# **Annual Report**

**Montana State Special Education Advisory Panel**

**July 1, 2008-June 30, 2009**



**[opi.mt.gov](http://opi.mt.gov)**

**Prepared by the Montana Office of Public Instruction  
Denise Juneau, Superintendent  
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## Overview

In accord with Section 612(21), of the Individuals with Disabilities Act (IDEA), Montana has established the Special Education Advisory Panel. The responsibilities of this state advisory panel are to:

- Advise the Office of Public Instruction of unmet needs within the state in the education of children with disabilities;
- Comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities;
- Advise the Office of Public Instruction in developing evaluations and reporting on data to the Secretary under Section 618 of the Act;
- Advise the Office of Public Instruction in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Act;
- Advise the Office of Public Instruction in developing and implementing policies relating to the coordination of services for children with disabilities; and
- Advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons.

Montana's Special Education Advisory Panel serves as the steering/advisory committee for the State Performance Plan (SPP) under Part B of IDEA, annual self-assessment activities and development of improvement strategies for improving outcomes of students with disabilities. In this capacity, the advisory panel, on a continuing basis, reviews statewide outcome data on key indicators for students with disabilities, advises the Office of Public Instruction on improvement strategies for improved outcomes and reviews progress on the key indicators on no less than an annual basis.

## **Special Education Advisory Panel Meeting Minutes**

Office of Public Instruction

1300 11th Avenue Conference Room, Helena

September 18-19, 2008

Members in Attendance: Terry Galle, Susan Gunn, Denise Herman, Carroll DeCouteau, Tim Norbeck, Mark Thatcher, Pam Campbell, Sharon Lindstrom, Rena Steyaert, Samantha Hendricks

Excused Members: Ken Miller, Jackie Emerson (Thursday), Wanda Grinde, Dave Mahon, Dustin Shipman

Non-Members in Attendance: Tim Harris, Bob Runkel, Dick Trerise, Frank Podobnik, Floy Scott, Marlene Wallis, Judy Snow (via telephone), John Copenhaver

### **Thursday, September 18, 2008**

Chairperson Terry Galle called the meeting to order at 8:30 a.m. The Panel members and guests introduced themselves. Chairperson Galle requested that the Panel members review the Proposed Agenda. Following review of the Proposed Agenda, Susan Gunn moved to accept the Proposed Agenda, Tim Norbeck seconded the motion and the motion passed. The June 12-13, 2008, meeting minutes were reviewed and Denise Herman moved to accept the minutes. Mark Thatcher requested that NCLB be written out the first time it is used in the June 12-13, 2008, minutes. Pam Campbell seconded the motion with the recommendation. The motion passed and the minutes were approved with the recommendation.

Chairperson Galle called for Public Comments. There were no Public Comments.

### **OPI Report**

#### **Review of Panel Responsibilities**

Dick Trerise presented a short overview of the responsibilities of the Panel. The Panel orientation will be presented by John Copenhaver at Friday's meeting, September 19, 2008.

The Office of Special Education and Rehabilitative Services (OSERS) guides and supports programs and projects that support individuals with disabilities, including the Office of Special Education Programs (OSEP).

The OSEP supports programs and projects authorized by the Individuals with Disabilities Education Act (IDEA) that improve results for infants, toddlers, children and youth with disabilities. The OSEP oversees IDEA law and is responsible for all regulations.

Dick noted that the state agency (Office of Public Instruction—OPI) promulgates procedures and practices. Three units within the Division of Special Education are responsible for ensuring that procedures and practices are followed. The three units are: IDEA School Improvement, Dick Trerise, Unit Manager; IDEA Professional Development, Susan Bailey-Anderson, Unit Manager; and IDEA Part B Program/Data and Accountability, Frank Podobnik, Unit Manager.

The Division of Special Education is responsible for making sure schools are following the rules, regulations, etc., to provide students with a free appropriate public education (FAPE), according to the reauthorization of 2004.

Dick informed the Panel that the OPI relies more and more on the Panel to assist in developing improvement in setting targets for substantial compliance on all compliance indicators. The Panel meets four times a year and the Division of Special Education plans to send the Panel drafts of the development of compliance targets as we go along. The next Panel meeting will concentrate primarily on the SPP and the APR.

### Highly Qualified Teachers (HQT)

Dick shared correspondence from the U.S. Department of Education (USDE) regarding No Child Left Behind Act (NCLB) and Highly Qualified Teacher (HQT). The USDE stated that they understand the difficulties that Montana and other highly rural states experience in recruiting and retaining teachers who are highly qualified in multiple subjects. Because of the importance given to highly qualified teacher standards, Montana was denied their request for additional flexibility; therefore, Montana will enact all HQT requirements compliant with the statute.

### Achievement in Montana (AIM)—Student Information

Dick presented a review of the progress made with the AIM program. Tim Harris told the Panel that the Montana edition for special education is fairly well finished. It should be completed near the end of February. Infinite Campus, the AIM software vendor, is capable of making more changes to the program.

Testing of the program will be accomplished by seven pilot schools and one cooperative. Dick said the transfer of records is important. We will have to assure that access to the records is only allowed to authorized personnel.

### Assessment Report

Judy Snow, via conference telephone, and Frank Podobnik informed the Panel that the Montana Office of Public Instruction received two grant awards to evaluate design approaches for assessments based on modified achievement standards. The assessments are targeted for students with IEPs who are not eligible for the CRT-Alternate, but are performing at low levels on the Criterion-Reference Test with standard accommodations. The grants' research considers the following content areas and grades: Enhanced Assessment Grant (EAG): Reading, Grade 10; and General Supervision Enhancement Grant GSEG): Reading and Math, Grades 7 and 8.

The partnership of Montana school systems, schools and educators in research and development activities is needed to complete the work for the grants. All data will be aggregated and reported in a way that confidentiality will be provided for participating communities, systems, schools, students and teachers.

A table of events and timelines for each grant was provided for the Panel members. The Panel was also given a Draft CRT-MAS Eligibility Guidelines guide.

## **State Performance Plan (SPP)/Annual Performance Report (APR) Issues**

Floy Scott presented to the Panel the "State-to-Local Determinations for State Fiscal Year 2008." Floy stated that the "Determination Criteria" includes: Meets Requirements; Needs Assistance, Needs Intervention; and Needs Substantial Intervention.

### **Meets Requirements:**

Performance Indicators = 100 Percent Compliance (Indicators 9, 10, 11, 12, 13, 16, 17, 20)

Exception: One Indicator at or above 90 Percent Compliance (Indicators 11, 12, 13, or 20 only) and

Timely Correction of Noncompliance (Indicator 15) and

No Audit Findings

### **Needs Assistance:**

One or more Performance Indicators Between 75 Percent and 90 Percent (Indicators 11, 12, 13, 16, 17, 20) or

Failure to Timely Correct Noncompliance (Indicator 15) or

Identified as Having Disproportionate Representation (Indicators 9, 10) or

Audit Findings

### **Needs Intervention:**

One or More Performance Indicators Below 75 Percent (Indicators 11, 12, 13, 16, 17, or 20) or

Failure to Timely Correct Noncompliance (Indicator 15) or

Identified as Having Disproportionate Representation (Indicators 9, 10) or

Audit Findings

### **Needs Substantial Intervention:**

The failure to substantially comply significantly affects the core requirements of the IDEA, such as the delivery of services to children with disabilities or state exercise of general supervision; and/or

The district has informed the OPI that it is unwilling to comply.

The district has been determined through audit findings to have misspent IDEA funds.

## **Levels of Determination Criteria: School Year 2006-2007**

Floy Scott distributed to the Panel a list of factors that are used by the OPI to determine a district's level of performance in meeting the requirements and the purposes of IDEA. The handout is included as part of the minutes.

## **Additional Items**

### **Yellowstone Academy Up-date**

Dick informed the Panel that the Academy received an out-of compliance monitoring because of school-specific issues. The OPI will require evidence of correction of noncompliance.

## **Special Education Complaints, Mediation, Due Process Hearing Requests and Information— Filed July 1, 2007 Through June 30, 2008**

A written report from Kathleen Magone, Chief Legal Counsel, Compliance Officer, was distributed to the Panel members. This report contains information on Complaints and Due

Process Hearing Requests during the July 1, 2007-June 30, 2008 period. The report is attached as part of the minutes.

#### Agenda Items for Next Meeting(s)

Annual Performance Report  
State Performance Report

#### Dates for Next Two Meetings

January 15-16, 2009  
April 30-May 1, 2009

### **Friday, September 19, 2008**

#### **Panel Orientation**

Dick Trerise introduced John Copenhaver to the members of the Panel. John is the Director of the Mountain Plains Regional Resource Center in Logan, Utah.

John informed the Panel that the Mountain Plains Regional Resource Center is a discretionary program that serves 10 states and the Bureau of Indian Education. The mission of the Center is to build the capacity of states to better serve children with disabilities. The technical assistance provided by the Center is state-specific, multi-state, regionwide and multiregional.

John Copenhaver explained the requirements of the Panel to the members. He explained that a majority of the members must be individuals with disabilities or parents of children with disabilities. The state superintendent appoints the Panel members. Panel members represent a stakeholder group and should express the views of that group. The Panel's role is to advise not advocate regarding priority issues. Functions of the Panel that are outlined in the IDEA regulations include: advise the SEA of unmet needs within the state in the education of children with disabilities; comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities; advise the SEA on developing evaluations and reporting on data to the Secretary under Section 618 of the Act; advise the SEA in developing improvement plans to address findings identified in federal monitoring reports under Part B of the Act; advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities; and advise on eligible students with disabilities in adult prisons. John said that the bylaws should be reviewed annually.

It was noted that the Panel serves without compensation, attends reasonable and necessary meetings and may request interpreters. The Panel needs to provide input for Advisory Panel agenda items. The meetings are open for public comment with ground rules and official minutes are taken.

#### Adjourn

Following the Panel Orientation session, Denise Herman moved to adjourn the meeting, Pam Campbell seconded the motion and the motion passed. The meeting adjourned at Noon.

## **Special Education Advisory Panel Meeting Minutes**

Office of Public Instruction  
1300 11th Avenue Conference Room, Helena  
January 15-16, 2009

Members in Attendance: Terry Galle, Susan Gunn, Carroll DeCouteau, Tim Norbeck, Pam Campbell, Sharon Lindstrom, Rena Steyaert, Samantha Hendricks, Betsy Stimatz, Dustin Shipman

Excused Members: Ken Miller, Jackie Emerson (Thursday), Wanda Grinde, Dave Mahon (Thursday), Denise Herman, Mark Thatcher

Non-Members in Attendance: Tim Harris, Denise Juneau, Bob Runkel, Dick Trerise, Frank Podobnik, Nikki Sandve, Marlene Wallis

### **Thursday, January 15, 2009**

Chairperson Terry Galle called the meeting to order at 8:30 a.m. The Panel members and guests introduced themselves. Chairperson Galle requested that the Panel members review the Proposed Agenda. Following review of the Proposed Agenda, Tim Norbeck moved to accept the Proposed Agenda, Sharon Lindstrom seconded the motion and the motion passed. The September 18-19, 2008, meeting minutes were reviewed and Dustin Shipman moved to accept the minutes, Rena Steyaert seconded the motion, the motion passed and the minutes were approved as written.

Bob Runkel introduced Denise Juneau, State Superintendent, to the Panel members. The Panel members introduced themselves to Superintendent Juneau and said what areas they represented on the Panel.

Superintendent Juneau praised the work that the Panel does and thanked them for participating on the Panel and making things better for persons with disabilities. The Superintendent presented a review of the members of her exempt staff. She noted that a priority of her administration is to provide more open communication within the Office of Public Instruction.

Bob Runkel reviewed the OPI Budget Request for the 2011 Biennium. A handout was provided for the Panel members showing the OPI Elected Officials Request for State-Level Activities-Program 06, Distribution to Schools-Program 09, and General Fund 2008 Base Plus Requests.

Bob reported that the McKinney-Vento Homeless Assistance Act states that districts cannot charge tuition for homeless students. He indicated that the OPI has requested a bill to allow the state to make payment to schools that serve homeless students who reside in state-licensed facilities.

Bob said that the status of the economy will have a major influence on this session of the legislature. He shared information on the proposed bill for an Act titled: "An Act Requiring Insurance Coverage for Autism Spectrum Disorders; Amending Sections 33-22-706, 33-31, 111 and 33-35-306, MCA; and providing a delayed effective date." Frank Podobnik provided a copy of the proposed bill.

Superintendent Juneau and Bob Runkel again thanked the Panel members for their work on the Panel and dedication to persons with disabilities.

## **OPI Report**

### **Review of Panel Responsibilities**

Dick Trerise distributed a document to provide information for the Panel members regarding their responsibilities under IDEA 2004. There is an increased importance of the Panel's role in the process of advising and guiding state education agencies. Dick stated that the purpose of this document is not to give legal advice but to provide guidance and suggestions that should result in effective panel meetings.

### **Division Personnel Report**

It is expected that the IDEA Data and Accountability specialist position will be filled in February.

The open position of the Professional Development Unit will be announced soon.

### **Achievement in Montana (AIM)—Student Information**

Training will begin soon for the AIM special education portion. It will be four or five years before the AIM program is statewide.

### **Annual Report 2007-2008**

The Montana State Special Education Advisory Panel Annual Report, July 1, 2007-June 30, 2008, was distributed to the Panel. The report includes an Overview of the Panel's responsibilities, Membership List, List of Meetings, Panel Focus and Recommendations and Accomplishments of the 2007-2008 Special Education Advisory Panel.

### **State Performance Plan and Annual Performance Report (SPP/APR) Review and Action**

Frank Podobnik reported on the Annual Performance Report (APR), which includes, where noted, revisions to the State Performance Plan (SPP). The reports are due to the Office of Special Education Programs, U.S. Department of Education, February 2, 2009. Frank said this deadline will be met.

Frank distributed a summary to the Panel of Montana's Annual Performance Report for FFY 2007 and an Overview of Montana's Statewide Performance for FFY 2007. He discussed each of the indicators in the summary: 1. Graduation Rates; 2. Dropout Rates; 3. Statewide Assessment (3A—AYP Objectives, 3B—Participation Rates, 3C—Proficiency Rates); 4. Suspension and Expulsion Rates; 5. LRE Placement; 8. Parent Involvement; 9. Disproportionate Representation in Special Education; 10. Disproportionate Representation in Specific Disability Categories; 11. Child Find—Evaluations Within 60 Days; 13. Secondary Transition with IEP Goals; 16. Resolved Written Complaints Within 60 Days; 17. Hearing Requests Adjudicated Within 45 Days. The summary and overview provide data on the indicators; copies will be included with the minutes.

Following discussion of the APR summary, Sharon Lindstrom moved that the Advisory Panel unanimously support the APR as presented to the Panel, Susan Gunn seconded the motion and the motion passed. Sharon commended Frank Podobnik on the APR; she said the language in the APR is understandable.



## **Up-Dates**

### **Assessment Grants**

The Panel received a memorandum from Judy Snow, State Assessment Director, Office of Public Instruction, regarding the Assessment Grant Update. She noted in the memorandum that the two 2 percent grants (Montana Enhanced Assessment Grant and Montana General Supervision Enhancement Grant) are on schedule. The memorandum included a table of activities for the grants.

Judy also states that the 4<sup>th</sup> statewide assessment conference, "Assessment Know-How" is being held on January 29 and 30, 2009.

### **Parental Revocation of Consent—Administrative Rule Change**

On May 13, 2008, the Secretary published a notice of proposed rulemaking in the *Federal Register* to amend the regulations in 34 CFR Part 300 governing these programs. One change being proposed was parental revocation of consent after consenting to the initial provision of services. This proposed change in the final regulations is: Section 300.300(b)(4) has been revised to require that parental revocation of consent for the continued provision of special education and related services must be in writing and that upon revocation of consent a public agency must provide the parent with prior written notice in accordance with § 300.503.

### **OSEP Verification Visit**

An OSEP Verification Visit date has not been established. Montana is scheduled for next year or the year after.

## **Friday, January 16, 2009**

Chairman Terry Galle called Friday morning's meeting to order at 8:15 a.m.

### **SPP/APR (continued)**

Frank Podobnik continued the SPP/APR discussion with Indicator 12—Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. The target was not met last year. This year 71 percent of children referred by Part C, prior to age three and found eligible for Part B, have an IEP developed and implemented by their third birthday. This is a substantial improvement from last year.

Indicator 13—Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. The established target for this indicator is 100 percent of IEPs for students, ages 16 and older, will have coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. Target data indicates that 62.1 percent of the IEPs for students, ages 16 and older, reviewed have coordinated, measurable, annual IEP goals and transition services. Therefore, Montana did not meet its performance target.

Indicator 14—Not required.

Indicator 15—General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. The percent of findings of noncompliance corrected within one year of identification is 96.6 percent and the performance target is 100 percent. Therefore, Montana did not meet its performance target.

Indicators 16 and 17—These indicators deal with complaints and due process. Both indicators met their performance target of 100 percent.

Indicators 18 and 19—Montana does not need to establish a baseline or targets for these indicators at this time.

Indicator 20—State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. Montana's percent for the submission of timely and accurate data is 100 percent. Therefore, Montana has met its performance target.

### **CSPD Report**

Nikki Sandve reported that the CSPD aligns training to the State Performance Plan (SPP). She also noted that the Response to Intervention (RTI) program, funded by the SPDG, has 44 elementary and 11 secondary training programs. The 2009 MBI Summer Institute will be held June 22-26, 2009, at the Montana State University in Bozeman and will include RTI. The Mentor Training week is tentatively scheduled for the end of July.

### **Call for Public Comment**

Chairman Galle called for public comments. There were no public comments.

### **Timely Correction of Identified Noncompliance**

The OPI received a memorandum from the U.S. Department of Education, dated October 17, 2008, reiterating the steps a state must take in order to report that previously identified noncompliance had been corrected. The memorandum states what a state must do in order to demonstrate that previously identified noncompliance has been corrected. A copy is included with the minutes.

The Panel received a draft of *Timelines for Correction*, Montana's timelines for change of noncompliance. Denial of FAPE must be corrected in 30 days. Noncompliant and problematic must be corrected in 60 days.

The OPI informs schools/institutions a year ahead of the compliance monitoring to be conducted at their school/institution. The schools/institutions are to submit a list of the students in the district that have new IEP reports, and students with unique concerns. If schools/institutions are out of compliance they are informed as to what they need to do. The OPI requires evidence that the corrections have been made. The district/institution must send a letter to the OPI stating that they are in compliance.

In order to give districts time, the OPI will change their basic approach. The district/institution will send the OPI copies of IEPs prior to the on-site visit. The OPI will have reviewed the IEPs prior to the on-site review. This allows the OPI to go on site and compile information quickly. When noncompliance is identified, the school/institution will send the OPI a letter of assurance that corrections have been made.

### **Additional Items**

The meeting dates for the remainder of the year are:

April 30-May 1, 2009

June 18-19, 2009

### **Panel Annual Agenda Proposal**

Highly Qualified Teacher (HQT)

### **Adjourn**

Dave Mahon moved to adjourn the meeting, Susan Gunn seconded the motion and the motion passed.

## **Special Education Advisory Panel Meeting Minutes**

Office of Public Instruction

1300 11th Avenue Conference Room, Helena

April 30-May 1, 2009

Members in Attendance: Terry Galle, Carroll DeCouteau, Tim Norbeck, Pam Campbell, Sharon Lindstrom, Rena Steyaert (Friday), Samantha Hendricks, Ken Miller (Thursday p.m. and Friday a.m.), Betsy Stimatz, Dustin Shipman, Mark Thatcher (Thursday)

Excused Members: Ken Miller (Thursday a.m.), Jackie Emerson (Thursday), Wanda Grinde, Dave Mahon (Thursday), Denise Herman, Mark Thatcher (Friday), Susan Gunn, Rena Steyaert (Thursday)

Non-Members in Attendance: Tim Harris, Bob Runkel, Dick Trerise, Nikki Sandve, Floy Scott, Anne Rainey, Karen Crogan, Marlene Wallis, BJ Granbery, Lynn Hinch

### **Thursday, April 30., 2009**

Chairperson Terry Galle called the meeting to order at 8:30 a.m. The Panel members and guests introduced themselves. Chairperson Galle requested that the Panel members review the Proposed Agenda and the Minutes of January 15-16, 2009. Action on the agenda and minutes will take place on Friday when a quorum is present.

### **OPI Report**

#### **Announcements**

Dick Trerise reminded the Panel members that the Joint Meeting with the CSPD State Council will be held at the Red Lion Colonial, 2301 Colonial Drive, Natatorium Room, at 1:00 p.m.

## Legislative Report

Bob Runkel brought the Panel up to date on the legislative session.

The overall budget provides for a 3 percent increase in the basic entitlement and per-ANB entitlements in each year of the 2011 biennium. Bob noted that the special education payment is funded at the same level as FY 2009. Agricultural Education program was allocated additional funds to implement national standards in agricultural education. The audiology contracts received a biennial increase of \$55,483 to cover inflationary costs of providing audiology services.

## Division Personnel Report

Tim Harris introduced Karen Crogan, IDEA Data and Accountability Specialist. Karen joined the Special Education Division in April. Previously, Karen was the Data Control Specialist for the Division of Accreditation.

Tim also noted that Sara Casey has transferred from the Division of School Improvement to the IDEA Professional Development Division. Sara is the Program Improvement Specialist for the IDEA Professional Development Division.

## Parental Revocation of Consent—Administrative Rule Change Up-date

Dick Trerise distributed a handout regarding an Administrative Rule Change for Parental Revocation of Consent.

The revision to Section 300.300 (b)(4)—Parental Consent reads as follows:

"(4) If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency—

- (i) May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with Section 300.503 before ceasing the provision of special education and related services;
- (ii) May not use the procedures in subpart E of this part (including the mediation procedures under Section 300.506 or the due process procedures under Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child;
- (iii) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
- (iv) Is not required to convene an IEP Team meeting or develop an IEP under Sections 300.320 and 300.324 for the child for further provision of special education and related services."

Dick informed the Panel that the Division of Special Education has drafted an official notice from the parent to the school district for "Revocation (withdrawal) of Consent for Services" and the "Prior Written Notice—Revocation of Consent." The notices provide guidance to school districts.

## Stimulus Package Discussion

Tim Harris informed the Panel that the Stimulus funds will be distributed the same way as regular IDEA Part B funds allocations. Tim distributed a letter written to the Office of Special Education Programs by the OPI with comments on the April 2009 document titled *Guidance, Funds for Part B of the Individuals with Disabilities Education Act Made Available Under the American Recovery and Reinvestment Act of 2009*. A copy of the document is included with the minutes.

The letter states that the OPI believes that the OSEP is in error in its guidance to states when it interpreted provisions of law to mean that an SEA must prohibit an LEA from taking advantage of the MOE reduction under IDEA section 6139a)(2)(C) if the LEA's determination is Needs Assistance, Needs Intervention, or Needs Substantial Intervention. Other concerns involve Levels of Determination and limitation on the ability to reduce Fiscal Effort.

## Achievement in Montana (AIM)—Student Information System Roll-Out

Dick Trerise noted that the rollout of the Special Education Module of the AIM system began in February 2009. The first week in May the spring trainings will conclude. The trainings will start again in September 2009 and will conclude in November 2009.

## Joint Meeting with CSPD State Council

The Panel met in a joint meeting with the CSPD members. John Copenhaver, Center for Technical Assistance in Special Education, Utah State University, facilitated the meeting. The meeting agenda included: Regional CSPD Activities and the Relationship with the Special Education Annual Performance Report; Regional and National Hot Topics in Special Education; Small Group Discussions and Recommendations on How the Special Education Panel and the CSPD Council Can Impact the Positive use of IDEA Stimulus Money. Other presentations were: IDEA Supplemental Regulations to 34 CFR Part 300; Section 504; Response to Intervention (RTI); History of the *No Child Left Behind Act of 2001 (NCLB)*; Attention Deficit Hyperactivity disorder; Confidentiality and Privacy Relating to Student Records and Information; Continuous Improvement in Special Education.

## Friday, May 1, 2009

Chairperson Galle called the meeting to order at 8:30. There were no announcements.

## Title I State Review

BJ Granbery, Administrator, Education Opportunity and Equity, presented an overview of Title I. She informed the Panel that the *No Child Left Behind Act of 2001 (NCLB)* reauthorized the Elementary and Secondary Education Act (ESEA). This is the main federal law affecting education from K-12. President Bush proposed the law shortly after his inauguration and NCLB was signed into law on January 8, 2008.

BJ told the Panel that students eligible for services are those residing in participating public school Title I, Part A, attendance area and failing, or most at risk of failing to meet high standards; selection is made on the basis of multiple, educationally related, developmentally appropriate criteria; children chosen to be served are from lists that the private/nonpublic school provides of eligible students.

BJ distributed a handout regarding the *American Recovery and Reinvestment Act of 2009, Title I, Part A, Recovery Funds for Grants to Local Education Agencies*. The handout covers the overall goals of the ARRA for Title I, Part A; Process of Awarding Title I, Part A, Recovery Funds; LEA Eligibility for Title I, Part A, Recovery Funds; Reservation of Title I, Part A, Recovery Funds; Uses of Title I, Part A, Recovery Funds; Invitation for Waivers; Fiscal Issues; and Accountability Principles. A copy of the handout is included with the minutes.

A memorandum regarding *Notifications to Parents on Highly Qualified Teacher (HQT) Status as Required by the Federal No Child Left Behind Act (NCLB)* was distributed to the Panel members. This memorandum informs districts of data that must be collected and returned to the OPI by January 20, 2009. It also notes the section of the regulations that states that districts receiving Title I, Part A, funds must notify parents of certain information regarding the professional qualifications of the student's classroom teachers. A copy of the memorandum is included with the minutes.

### **Action Items**

Following review of the Proposed Agenda and the Minutes of the January 15-16, 2009, meeting, Chair Galle asked for motions to approve the Proposed Agenda and the Minutes.

Dave Mahon moved to accept the Proposed Agenda, Rena Steyaert seconded the motion, the motion passed.

Pam Campbell moved to accept the Minutes of the January 15-16, 2009, meeting, Dustin Shipman seconded the motion, the motion passed and the minutes were accepted as written.

Floy Scott discussed two changes in procedures: Change in Calculating Significant Disproportionality and Change in Child Count Date to Align with Fall Enrollment Count.

Following the discussion, Dustin Shipman moved to support the Change in Calculating Significant Disproportionality, Dave Mahon seconded the motion and the motion passed.

Mark Thatcher moved to support the Change in Child Count Date to Align with Fall Enrollment Count, Pam Campbell seconded the motion and the motion passed.

### **SPP/APR Final Submission Discussion**

Tim Harris reported on the final SPP/APR submission. He distributed a handout indicating "Monitoring Priorities and Indicators, Status of APR Data/SPP Revision Issues." The handout shows that Montana met its FFY 2007 target in the majority of the indicators. A copy of the handout is included with the minutes.

### **Call for Public Comments**

There were no public comments.

### **Additional Items**

#### **Meeting Dates**

The final Panel meeting for this year is scheduled for June 18-19, 2009.

## Panel Agenda Items

Levels of Determination  
Disproportionality  
Panel Membership

## **Adjourn**

The meeting adjourned at 11:30 a.m.

## **Special Education Advisory Panel Meeting Minutes**

Office of Public Instruction  
1300 11th Avenue Conference Room, Helena  
June 18-19, 2009

Members in Attendance: Terry Galle, Carroll DeCouteau, Tim Norbeck, Sharon Lindstrom, Samantha Hendricks (Friday), Ken Miller, Betsy Stimatz, Dustin Shipman, Jackie Emerson, Dave Mahon, Wanda Grinde, Denise Herman (Friday)

Excused Members: Mark Thatcher, Susan Gunn, Rena Steyaert, Samantha Hendricks (Thursday), Pam Campbell, Denise Herman (Thursday), Jackie Emerson (Friday)

Non-Members in Attendance: Tim Harris, Frank Podobnik, Dick Trerise, Tara Ferriter-Smith, Linda Peterson, Susan Bailey-Anderson, Karen Crogan, Marlene Wallis

## **Thursday, June 18, 2009**

Chairperson Terry Galle called the meeting to order at 8:30 a.m. The Panel members and guests introduced themselves. Chairperson Galle requested that the Panel members review the Proposed Agenda and the Minutes of April 30-May 1, 2009. Tim Norbeck moved to accept the Proposed Agenda, Dave Mahon seconded the motion and the motion passed; the Proposed Agenda was accepted as written.

Following review of the Minutes of the April 30-May 1, 2009, meeting, corrections to the minutes are as follows: Tim Norbeck, Sharon Lindstrom, and Betsy Stimatz were not in attendance on Thursday and Friday as noted in the April 30-May 1, 2009, minutes.

Sharon Lindstrom moved to accept the minutes, with the corrections, of the April 30-May 1, 2009, Panel meeting, Jackie Emerson seconded the motion and the motion passed.

## **Announcements**

It was announced that the Panel would recognize Samantha Hendricks at Friday's meeting. Samantha is graduating from high school and will be married in July.

## **OPI Report**

### **State Level of Determination**

Frank Podobnik explained the factors used in determining whether a district meets the requirements and the purposes of IDEA consistent with regulations. He noted that we will not

change the process used because it is best to leave it as it is. The Office of Special Education Programs (OSEP) will be here in late August/early September. They will be reviewing how the OPI determines whether a district meets the requirements and purposes of IDEA at the local level.

Frank said that notification was received that Montana met the requirements this year and went from "Needs Assistance" to "Meets Requirements."

#### Child Count Date Change

The Child Count date is the first Monday in October. This change is made to align the Child Count with the Fall Enrollment Count.

#### Autism

It was noted that there is a 10-12 percent increase in diagnosis of autism. Doug Doty will become an autism coordinator for half of his schedule and continue as a monitoring specialist the other half of his schedule.

Doug plans to research what other states are doing on site regarding autism. Goals will need to be identified for Montana and what agencies would be key agencies. In the spring, Doug will provide training to select groups within the levels of autism.

#### OSEP Verification Visit

The previous OSEP visit was five years ago. Ken Kienas is Montana's contact with OSEP. He will attend the Verification Visit. There are three areas that OSEP will be looking at: Data Management, Fiscal Management and General Supervision—State Monitoring and Correction of Noncompliance. Ken Kienas and Judy Gregorian are already working on the verification visit.

#### ARRA Funds/Maintenance of Fiscal Effort

Frank Podobnik distributed the handout "IDEA Funds Under the American Recovery and Reinvestment Act (ARRA)." Frank informed the Panel that Montana's share of the \$11.3 billion allocated to IDEA Part B programs is \$36,708,056. This more than doubles the total federal special education funds for Montana; it raises the percentage from 17.2 percent to 34.2 percent of the average per pupil expenditure.

The allowable uses for the funds are the same as IDEA, i.e., cost for delivering IEP services, supplies, equipment, professional development, and construction or alteration of facilities.

Uses recommended by OSEP include: providing intensive districtwide professional development for special education and regular education teachers that focuses on scientifically based strategies in reading, math, science and writing; providing positive behavioral supports to improve outcomes for students with disabilities; developing or expanding the capacity to collect and use data to improve teaching and learning; hiring short-term workers or extend teacher contracts for activities that support transition to work; and purchasing adaptive equipment for students. Funds should be used for investments that can be sustained after ARRA funding expires.

Frank explained that the ARRA funds are 2009-2010 school year funds. The current year begins July 1, 2009, and ends June 30, 2010. Funds not spent by June 30, 2011, will be recovered by the state and redistributed to other districts unless district documents it will spend all carry-over funds by September 30, 2011. The IDEA Maintenance of Effort provisions apply.



## RTI Update

Tara Ferriter-Smith updated the Panel on the Response to Intervention (RTI).

Tara explained the Four Types of Assessment:

Screening—involves all children and is usually done at set benchmark points;

Diagnostic—helps teachers plan instruction;

Progress Monitoring—involves measurement to determine if students are making adequate progress or are in need of more intervention;

Outcome—provides a bottom-line evaluation of the effectiveness of the reading program in relation to established performance levels.

Tara noted that Evidence-based instruction and Collaborative Teaming (school level and student level) are essential to RTI. She also explained that Fidelity is important to RTI because outcomes can only be attributed to our efforts if we evaluate and provide documentation in curriculum, instruction, assessment, collaborative team problem-solving process and the RTI process. Fidelity is assessed directly through observation by trained observers such as the principal, intervention specialist, instruction coach, school psychologist and school counselor. She also related to the Panel the Essential Components of RTI: strong leadership; ongoing assessment; evidence-based curriculum and instruction; collaborative teaming; data-based decision making; fidelity of implementation; ongoing training and professional development; and community and family involvement. Tara is working on obtaining more RTI support from other divisions within the Office of Public Instruction.

## Accreditation Report

Linda Vrooman Peterson, Administrator, Department of Education Services, provided a listing of the Accreditation Division within the Department of Education Services. The division has an Accreditation Unit Manager, Accreditation Accountability Specialist, Accreditation Specialist, Data Control Specialist, Learn and Serve Specialist, Character Education Specialist and an Administrative Assistant. Linda said the Accreditation Division's mission is to improve teaching and learning for all through leadership, coordination and collaboration. She said that Montana standards-based education is a dynamic framework to improve student learning through planning, implementing and monitoring of academic programs, learning environments and organizational structures.

Linda provided a handout that shows areas approved in Administrative Rules of Montana by the Montana Board of Public Education; areas approved by the Superintendent of Public Instruction; areas of Guidance and Regional Ongoing Professional Development; and the Professional Educator Preparation Program Standards (PEPPS) and the On-site Review Process.

## **Friday, May 1, 2009**

Chairperson Galle called the meeting to order at 8:30. There were no announcements.

### **Panel Membership Status—Election of Officers**

Dick Trerise informed the Panel members of those members eligible for holding office in the 2009-2010 school year.

Ken Miller nominated Sharon Lindstrom for the position of Chair for 2009-2010. Sharon is the present Vice Chair. Tim Norbeck seconded the nomination and the nomination passed. Sharon Lindstrom will serve as the Chair for 2009-2010.

Dustin Shipman nominated Tim Norbeck as the Vice Chair for the 2009-2010 term; Sharon Lindstrom seconded the nomination and the nomination passed. Tim Norbeck will serve as the Vice Chair for 2009-2010.

Tim Norbeck nominated Dustin Shipman for the position of Secretary for the 2009-2010 term; Ken Miller seconded the nomination and the nomination passed. Dustin Shipman will serve as the Secretary for 2009-2010.

### **CSPD Report**

Susan Bailey-Anderson provided a report for CSPD and the IDEA Professional Development Unit within the Division of Special Education. She distributed a handout showing the programs in the Professional Development Unit. Under the State Personnel Development Grant (SPDG), operating programs include Mentoring, Response to Intervention (RTI), Differentiated Instruction (DI), Higher Education Consortium (HEC), We Teach All and Universal Design for Learning (UDL).

Under the Comprehensive System of Personnel Development (CSPD), the following programs are included: Regional CSPD, Montana Behavioral Initiative, Early Childhood Partnership of Professional Development (ECPPD), Center for Early Learning Literacy (CELL) and the Para Consortium. The Low Incidence includes Deaf/Blind and Autism. Program Improvement includes: Transition, Achievement in Montana (AIM), State Performance Plan/Annual Performance Report (SPP/APR), Monitoring, Levels of Determination, Accommodations, and Standards-based Individualized Education Plan (IEP).

### **Retiring Panel Members**

Appreciation plaques were presented to three retiring Panel members: Carroll Jim DeCoteau, representing "Teacher of Children with Disabilities," Terry Galle, representing "Vocational, Community, or Business Concerned with the Provision of Transition Services to Children with Disabilities" and Samantha Hendricks, representing "Student."

### **Call for Public Comments**

There were no public comments.

### **Additional Items**

Tim Harris informed the Panel that the Office of Special Education Programs (OSEP) will do the review of Montana's Special Education August 31-September 2, 2009. They will be looking at General Supervision, Monitoring, Complaint Resolution, Due Process, Fiscal Accountability, as well as Data.

### Meeting Dates

The next meeting will be held September 10-11, 2009, Office of Public Instruction, 1300 11<sup>th</sup> Avenue Conference Room.

### Panel Agenda Items

OSEP Review

### Adjourn

The meeting adjourned at 11:30 a.m.

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